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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,908	01/25/2002	Motonori Sano	03560.002989	4801
5514	7590	06/17/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			TAYLOR, BARRY W	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2643	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,908

Applicant(s)

SANO, MOTONORI

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-14 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balaz (6,427,008) in view of Fitser et al (5,631,904 hereinafter Fitser).

Regarding claims 1, 11 and 13. Balaz teaches a method of providing an additional service (see additional service is teleconference in title and abstract, col. 6, col. 7 lines 30-37 and col. 8 lines 12-17) to a user of a communication company's communication service, the method comprising providing an additional service (i.e. teleconference service) to the user who receives a call through the communication service of the communication company, in accordance with a communication time (see col. 6, col. 7 lines 30-37 and col. 8 lines 12-17 wherein reduce rate given to participants of teleconference and teleconference charges are based on length of time for participants not having same specified origin). In other words, Balaz teaches teleconference (i.e. additional service) provided in accordance with communication time and the amount of communication. See column 6 wherein call duration (i.e. amount of communication) is multiplied by reduced rate and columns 7-8 reveal that if participants

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not qualified for reduced rate are charged based on length of time (see length of time col. 7 line 36 and col. 8 lines 14-15).

According to Applicant's newly amended independent claim language, Balaz fails to teach that the calling party pays for teleconferences.

Fitser teaches various arrangements for billing teleconference calls (abstract and column 6). Fitser discloses that one option is to have the person setting up the teleconference (i.e. the calling party) pay for the call (col. 6 lines 46-52).

Therefore, it would have been obvious to any one of ordinary skill in the art at the time of invention to modify the invention as taught by Balaz to use informing means as taught by Fitser for the benefit of notifying participants that teleconference is about to begin and that the calling party is paying for the teleconference thereby eliminating any premature termination by called participants as disclosed by Fitser (col. 6 lines 53-56).

Regarding claims 2, 14, 18 and 22. Balaz teaches participants of teleconference receive reduced rate (see reduced rate abstract, see reduced rate 62 and 66 figure 2, see reduced rate S408 and S410 figure 4, see reduced rate col. 2 lines 1-38, see column 6 wherein call duration is multiplied by per unit time charge (i.e. reduced rate) and if participants do not qualified for reduced rate then multiply call duration by regular rate, columns 7-8). Balaz also discloses that charges for teleconference may be reduced to nil (col. 6 line 36).

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Regarding claims 3 and 19. Balaz teaches teleconference (i.e. additional service) provided in accordance with communication time and the amount of communication. See column 6 wherein call duration (i.e. amount of communication) is multiplied by reduced rate and columns 7-8 reveal that if participants not qualified for reduced rate are charged based on length of time (see length of time col. 7 line 36 and col. 8 lines 14-15).

Regarding claim 4. Balaz teaches the communication company provides the additional service (i.e. teleconference) in accordance with the length of time (see length of time col. 7 line 36 and col. 8 lines 14-15).

Regarding claim 5. Balaz teaches wherein communication company provides the additional service (i.e. teleconference) in accordance with a communication time for which a calling party uses the communication services of the communication company (see column 6 wherein reduced rate given to subscribers qualified for reduced rate) and a communication time for which the calling party does not use the communication services of the communication company (see columns 6-8 wherein participants not using the communication service are charged at regular rate based on length of time).

Regarding claim 6. Balaz teaches wherein communication company provides the additional service (i.e. teleconference) in accordance with a communication time for which a calling party uses the communication services of the communication company (see column 6 wherein reduced rate given to subscribers qualified for reduced rate) and a communication time not related to the communication company used by the calling

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party (see abstract and columns 6-8 wherein service provider uses higher rate for certain participants not associated with the service providers special service).

Regarding claims 7 and 12. Balaz teaches a method of providing an additional service (see additional service is teleconference in title and abstract, col. 6, col. 7 lines 30-37 and col. 8 lines 12-17) to a user of a communication company's communication service, the method comprising providing an additional service (i.e. teleconference service) to the user who receives a call through the communication service of the communication company, in accordance with amount of communication (see column 6 wherein call duration (i.e. amount of communication) is multiplied by per unit time charge (i.e. reduced rate) and if participants do not qualified for reduced rate then multiply call duration (i.e. amount of communication) by regular rate, columns 7-8). In other words, Balaz teaches teleconference (i.e. additional service) provided in accordance with communication time and the amount of communication. See column 6 wherein call duration (i.e. amount of communication) is multiplied by reduced rate and columns 7-8 reveal that if participants not qualified for reduced rate are charged based on length of time (see length of time col. 7 line 36 and col. 8 lines 14-15).

Regarding claim 8. Balaz teaches additional service is reduced rate (i.e. discount), the discount calculated in accordance with amount of communication (see column 6 wherein the amount of communication is multiplied by reduced rate).

Regarding claims 9-10. Balaz does not elaborate on informing or sending participants of teleconference a notification or informing signal.

However, it is well known in the art of teleconferencing to inform or send participants notice of teleconference. If not, Fitser was found on the Balaz patent and discloses causing voice-processing equipment to generate and deliver a message to the called participants indicating that the subscriber will pay for the call (col. 6 lines 46-56). Fitser conversely shows using voice processing equipment when each participant is expected to pay a share of the cost to inform the participant of this fact and give participants an opportunity to accept or deny the charges (col. 6 lines 56-65).

Therefore, it would have been obvious to any one of ordinary skill in the art at the time of invention to modify the invention as taught by Balaz to use informing means as taught by Fitser for the benefit of notifying participants that teleconference is about to begin and if participants are not subscribers to reduced rate as taught by Balaz then notify participants that they will be charged for joining the teleconference.

Regarding claims 20-21. Balaz teaches teleconference (i.e. additional service) provided in accordance with communication time and the amount of communication. See column 6 wherein call duration (i.e. amount of communication) is multiplied by reduced rate and columns 7-8 reveal that if participants not qualified for reduced rate are charged based on length of time (see length of time col. 7 line 36 and col. 8 lines 14-15).

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2. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balaz (6,427,008) in view of Fitser et al (5,631,904 hereinafter Fitser) further in view of McFarland et al (5,408,526 hereinafter McFarland) also cited on the Balaz patent.

Regarding claims 15-16. Balaz in view of Fitser do not show first switch serving called party owned by first company, second switch serving calling party and owned by second company and a third switch providing at least one additional service. In other words, Balaz in view of Fitser do not show least cost routing for teleconference.

McFarland teaches least cost routing for teleconference (abstract, columns 1-2, col. 9 lines 48-51).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the invention as taught by Balaz in view of Fitser to use least cost route as taught by McFarland for the benefit of taking into account the paths/routes at desired times for conference, available bandwidth and quality of service for the conference enabling for the most cost effective means to be selected when initiating the teleconference.

Regarding claim 17. Balaz provides predetermined number to be used whereby the subscriber calls the predetermined number to access the setting up of teleconference (col. 4).

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3. Claims 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balaz (6,427,008) in view of Fitser et al (5,631,904 hereinafter Fitser) further in view of Rosenthal et al (5,953,400 hereinafter Rosenthal).

Regarding claims 23, 25, 27, 29 and 31. Balaz in view of Fitser fail to show using radio line of one of a plurality of communication companies.

Rosenthal teaches both wire-line (see item 110 figure 5) and cellular switch (see item 152 figure 5) used for communication line whereby Voice Response Unit used to connect callers (col. 3 line 49 – col. 6 line27) providing for services such as group conferencing, extension pick-up, call forwarding).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Balaz in view of Fitser to use the VRU as taught by Rosenthal for the benefit of offering group conferencing to cellular users.

Regarding claims 24, 26, 28, 30 and 32. Balaz in view of Fitser fail to show different communication company providing the services.

Rosenthal teaches both wire-line (see item 110 figure 5) and cellular switch (see item 152 figure 5) used for communication line whereby Voice Response Unit used to connect callers (col. 3 line 49 – col. 6 line27) providing for services such as group conferencing, extension pick-up, call forwarding).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Balaz in view of Fitser to use the VRU as taught by Rosenthal for the benefit of offering group conferencing to cellular users.

4. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Balaz (6,427,008) in view of Fitser et al (5,631,904 hereinafter Fitser) and McFarland et al (5,408,526 hereinafter McFarland) further in view of Rosenthal et al (5,953,400 hereinafter Rosenthal).

Regarding claim 33. Balaz in view of Fitser and McFarland fail to show using radio line of one of a plurality of communication companies.

Rosenthal teaches both wire-line (see item 110 figure 5) and cellular switch (see item 152 figure 5) used for communication line whereby Voice Response Unit used to connect callers (col. 3 line 49 – col. 6 line 27) providing for services such as group conferencing, extension pick-up, call forwarding).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Balaz in view of Fitser to use the VRU as taught by Rosenthal for the benefit of offering group conferencing to cellular users.

Response to Arguments

5. Applicant's arguments filed 2/14/05 have been fully considered but they are not persuasive.

a) Regarding Applicants remarks starting on page 11 lines 16-19, paper dated 2/14/05, wherein Applicants contend that the calling party, not the called party, is charged for the call.

The Examiner notes that the called party receives the additional service which in this case is reduced rate teleconference call according to Balaz and in the case of Fitser the calling party pays for the additional service (i.e. teleconference call) meaning the called party receives free teleconference call.

b) Next, Applicants argue that the Examiner equates teleconference to additional service and Balaz provides the service where each party pays for the call (see page 12, lines 11-19).

The Examiner notes that Fitser also teaches teleconference call but it is the calling party who pays (col. 6 lines 45-65) and the called is notified of this eliminating the possibility that the called party does not terminate additional service being paid for by the calling party. The Examiner also notes that Applicants do not define what is "additional service" nor argues what is meant by "additional service". Furthermore, McFarland offers conference calls (i.e. additional service) wherein least cost (i.e. another additional service) is not only offered to called party but called party is notified by an announcement and Rosental offers other additional service(s) including conferencing, extension pick-up and call forwarding, as well as, other additional service(s) when one of the members of group conference fails to pick up his telephone.

c) Next, Applicants argue that Balaz only discusses only one service, i.e., the teleconference itself (page 12 line 20 continuing to top of page 13).

The Examiner notes that "additional service" is not plural either. Furthermore, Balaz offers different rates and even reduced rates. The Examiner has already noted that Fitser also teaches teleconference call but it is the calling party who pays (col. 6

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lines 45-65) and the called is notified of this eliminating the possibility that the called party does not terminate additional service being paid for by the calling party.

Furthermore, McFarland offers conference calls (i.e. additional service) wherein least cost (i.e. another additional service) is not only offered to called party but called party is notified by an announcement and Rosenthal offers other additional service(s) including conferencing, extension pick-up and call forwarding, as well as, other additional service(s) when one of the members of group conference fails to pick up his telephone.

In summation, Applicants independent claims are still general in nature and teleconference and/or conference call read on additional service.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Friday, 8am to 5pm.

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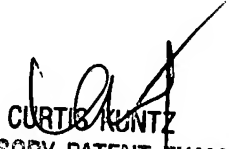
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached at (571) 272-7499. The facsimile phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BWT

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